

ORIGINAL

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

ORIGINAL  
FILE

In the Matter of  
Amendment of Section 73.202(b),  
FM Table of Allotments  
(Topeka, Kansas)

RM-

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JUN 17 1992

Federal Communications Commission  
Office of the Secretary

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Margaret Escriva ("Escriva"), permittee of a new FM radio station on Channel 223A, Topeka, Kansas,<sup>\*/</sup> by her attorneys and pursuant to Sections 1.401 and 1.420 of the Commission's rules, hereby requests the Commission to amend Section 73.202(b) of its rules -- the FM Table of Allotments -- so as to substitute Channel 223C3 for Channel 223A at Topeka, and to modify Escriva's construction permit to specify operation on the newly-upgraded channel. As demonstrated in the Allocation Statement included in the attachment hereto, Channel 223A can be allotted to Topeka in compliance with the Commission's minimum distance separation and city-grade coverage requirements.

<sup>\*/</sup> Construction Permit File No. BPH-871124MG, grant effective May 26, 1992. See Supplemental Initial Decision in MM Docket No. 89-293, FCC 92D-27 (released April 3, 1992); Notice in MM Docket No. 89-293 (released June 2, 1992).

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With the allocation of Channel 223A to Topeka, and the concomitant modification of Escriva's authorization to specify operation on the upgraded channel, Escriva would be able to bring Topeka an additional wide-coverage area FM station. Escriva's service to the public would be improved, and spectrum efficiency would be enhanced. In Amendment of the Commission's rules Regarding Modification of FM Broadcast Licenses to Higher Class Co-Channel or Adjacent Channels, 60 R.R.2d 114, 119 (1986), the Commission stated that "significant public interest benefits will be achieved where modifications to superior adjacent or co-channels make possible the expeditious provision of expanded radio service which would otherwise likely remain unrealized." Escriva's proposal would make possible the achievement of these public interest benefits in Topeka.

In addition, as Channel 223A at Topeka would not otherwise be available for applications, Escriva's authorization may be modified to specify operation thereon pursuant to Section 1.420(g) of the Commission's rules, 47 C.F.R. § 1.420(g).

Upon grant of the channel substitution and modification of authorization proposed in this Petition, Escriva will promptly effectuate the upgrade of her authorized station.

**Conclusion**

For the foregoing reasons, Escriva respectfully requests that the Commission make the following change in its FM Table of Allotments:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Topeka, Kansas	223A	223C3

Escriva further requests the Commission to modify her authorization to specify operation on upgraded Topeka Channel 223C3.

Respectfully submitted,

MARGARET ESCRIVA

By: 

Meredith S. Senter, Jr.  
Stephen D. Baruch

Leventhal, Senter & Lerman  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006-1809  
(202) 429-8970

June 17, 1992

Her Attorneys

## ALLOCATION STATEMENT

This statement is prepared on behalf of Margaret Escriva who submits this Petition proposing an amendment to the Table of FM Channel Allotments, Section 73.202(b) of the FCC Rules. Ms. Escriva has a construction grant for Channel 223A in Topeka, KS. This proposal requests a change the allocation of Channel 223A (92.5 mHz) to Channel 223C3

### TOPEKA, KANSAS CHANNEL 223C3

Exhibit A, attached hereto, is a listing of the nearest stations and/or allotments on channels pertinent to the use of Channel 223 with Class C3 facilities. The reference geographical coordinates of a proposed site are:

Latitude 39-05-31 North, Longitude 95-47-05 West

which is 10.5 km northwest from the reference coordinates of Topeka, KS as given in the Index to the National Atlas of the United States of America, which is 32-02-54 N, 95-40-40 W.

As can be seen from the attached Exhibit A, a Class C3 operation from the above listed transmitting site will comply with all separation requirements as set forth in Section 73.207 of the FCC Rules. In addition, a 1149 foot tower exists both as a potential antenna site and therefore I expect clearance by the FAA of a site close by, if needed.

The proposed reference coordinates are beyond the US/Mexican and Canadian Border Region, so international coordination will not be necessary.

The attached Exhibit B is a map showing the location of the proposed site described above and the city limits of Topeka. This exhibit demonstrates that operating with 25 kW ERP at 100 meters HAAT, the entire City would be encompassed with the required 70 dBu contour.

My qualifications are a matter of record with the Federal Communications Commission, and all statements made herein are true and correct to the best of my knowledge and belief.

June 16, 1992

  
John R. Furr

**JF&A**  
COMMUNICATIONS  
CONSULTANTS

MARGARET ESCRIVA  
TOPEKA, KS  
NARRATIVE

06-16-1992

John Furr &amp; Associates Inc.

PAGE 1

FM Study for: NEW	FCC Database Date: 5/92	39-05-31
Location: TOPEKA, KS	Channel Class: C3	95-47-05
Call City	Chan Class Freq kW Latitude Dist.	Required
Status State Proponent	File Number HAAT Longitude Azm.	Clear (km)

&gt;&gt;&gt;&gt;&gt;&gt;&gt; Study For Channel 223 92.5 mHz &lt;&lt;&lt;&lt;&lt;&lt;&lt;&lt;

NEW	TOPEKA	223 A	92.5	3.00	39-07-33	9.4	142	
APP	KS MARGARET ESCRIVA	BPH-871124MG	100		95-41-08	66.3	-132.6	SHORT
Use of 73.215 for short spacing requires: 119 -109.6 SHORT								
Amended 891024-Initial Decision rel 910219-Remanded by Review Board 7-25-91								

ALLOC	TOPEKA	223 A	92.5		39-06-48	12.4	142	
VAC	KS	-84-231		0	95-38-39	78.9	-129.6	SHORT
Use of 73.215 for short spacing requires: 119 -106.6 SHORT								

# 37 - SITE RESTRICTED

KVUQ	OLATHE	222 A	92.3	3.0	38-53-16	89.16	89	
CP	KS JAMES D. AND MARIA	BPH-880421NH	88		94-47-22	104.4	+0.16	CLOSE

KSJQ	SAVANNAH	224 C2	92.7	50.0	39-58-34	120.2	117	
CP	MO SAVANNAH RADIO, L.	BPH-900118MM	150		94-58-37	35.0	+3.2	CLOSE

KZOC	OSAGE CITY	225 C2	92.9	36.0	38-31-47	67.7	56	
LIC	KS OSAGE RADIO, INC.	BLH-890925KE	172		96-05-09	202.8	+11.7	CLOSE
From Channel 224A								

KSDBFM	MANHATTAN	220 A	91.9	1.40	39-09-49	65.1	42	
LIC	KS KANSAS STATE UNIVE	BLED-870504KA	88		96-31-54	277.3	+23.1	CLEAR

KAYX	RICHMOND	223 A	92.5	2.35	39-11-14	169.0	142	
LIC	MO LAURA L. HENDEE	BLH-900806KC	163		93-50-03	85.8	+27.0	CLEAR

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ALLOCATION STUDY

MARGARET ESCRIVA  
TOPEKA, KS  
EXHIBIT-A



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70 DBU COVERAGE

MARGARET ESCRIVA  
TOPEKA, KS  
EXHIBIT-B